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NIXON PEABODY LLP			EXAMINER	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/735,511

**Applicant(s)**

ROTHSCHILD ET AL.

**Examiner**

Paul A. D'Agostino

**Art Unit**

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date 1/14/2008
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

This responds to Applicant's Arguments/Remarks filed 04/11/2008. Claims 1, 11, and 21 have been amended. Claims 1-31 are now pending in this application.

#### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2, 4-6, 8-11, 12, 16-17, 21-25, and 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Pub. No. 2003/0130033 A1 to Loose (Loose) in view of U.S. Patent No. 6,217,448 to Olsen (Olsen).

#### In Reference to Claims 1, 11, 12, 21-23, 29 and 30

Loose discloses a method and gaming machine ("method and gaming machine" [0001]) for delivering a bonus event ("one or more basic game outcomes may trigger a bonus feature" [0011]; method and system of Loose are capable of performing this intended use and steps/acts) to a {plurality of} gaming machine (Fig. 1 bank of "gaming machines" 10 [0010]) selected from a plurality of gaming machines (Fig. 1), comprising:

accepting wagers at first and second gaming machines in a gaming environment ("Each gaming machine..., in response to a wager..." [0010] and "gaming establishments" [0003]);

a program routine [0015] for controlling the mode of operation of the plurality of lamps, the program routine executed by the CPU of the gaming machine [0015] where the CPU is capable of sequentially displaying the visual bonus indicator on all machines or selected machines;

communicating with said first gaming machine to initiate display of a visual bonus indicator ("bonus specific images" [0011]) on a first display (Fig. 1 "video display" 12 [0011]) of said first gaming machine ("If the selected outcome corresponds to a winning outcome, the player is awarded a payout ..." [0010], "One or more basic game outcomes may trigger a bonus feature. The bonus feature may be played on the video display 12 or a secondary mechanical or video bonus indicator distinct from the video display." [0011], and "the bonus game may replace the basic game images with bonus-specific images ... and depict one or more animated events ..." [0011]);

communicating with said second gaming machine to initiate display of said visual bonus indicator ("bonus specific images" [0011]) on a second display (Fig. 1 "video display" 12 [0011]) of said second gaming machine (Loose discloses gaming machines communicating "without requiring the machines to be physically linked to a controller device or to each other." [0003]. This is accomplished by sensors 22 and 24, emitters 26 and 28 [0004] and the CPU [0019] and as shown in Fig. 2. When a basic game triggers a bonus feature in the second gaming machine, Loose discloses in Fig. 3, that

there is communication to the second gaming machine not to enter its bonus mode (step 48) until after the "dominant" {here, first} gaming machine in the bank is still operating [0020]; and "the bonus game may replace the basic game images with bonus-specific images ... and depict one or more animated events ..." [0011];

animating in a bonus animation said visual bonus indicator on said second gaming machine display of said second gaming machine ("the display indicia to be synchronized among the bank of gaming machines may include video elements, such as a video image of a moving object. The video elements may be presented on a video display used in the top box display 16 or on the main video display 12." [0021]); and

awarding a bonus award to a player of said second gaming machine ("the bonus feature may depict one or more animated events" [0011]) while said bonus animation is being animated on said second gaming machine display ("and award bonus amounts based on an outcome of the animated events" [0011]).

However, Loose is silent on said displaying indicating to a player that a probability exists of a bonus award being awarded on said first gaming machine; displaying at least a portion of said visual bonus indicator on said second display of said second gaming machine, said displaying indicating to a player that a probability exists of a bonus award being awarded on said second gaming machine; displaying said visual bonus indicator in its entirety on said second display of said second gaming machine; and terminating said display of said visual bonus indicator on said first display, without awarding a bonus award to said player of said first gaming machine, said termination

indicating to said player that there is no longer a probability of the bonus award being awarded on said first gaming machine.

Olsen teaches of displaying indicating to a player that a probability exists of a bonus award being awarded on said first gaming machine (Figs. 1 and 2a-2d and wherein eligible linked machines G are eligible E and selected S and Col. 4 Line 66-67 and Col. 5 Lines 1-17, Col. 6 Lines 14-32); displaying at least a portion of said visual bonus indicator on said second display of said second gaming machine (Fig. 2a-2d wherein a set of hands depicted on displays D is the portion displayed. The full display is the hands with potato wherein "Once in the bonus mode player must play to catch the potato C Col. 6 Lines 50-63), said displaying indicating to a player that a probability exists of a bonus indicator to a player that a probability exists of a bonus award being awarded on said second gaming machine ("The graphical hands immediately convey bonus information during the bonus period." Col. 6 Lines 34-49); displaying said visual bonus indicator in its entirety on said second display of said second gaming machine (Figs. 2a – 2d wherein "the display will show the potato being caught by the hands 20c during gameplay as shown in Fig. 2d; also "it appears that hot potatoes C are moving from one machine to another" Col. 8 Lines 52-55); and terminating said display of said visual bonus indicator on said first display, without awarding a bonus award to said player of said first gaming machine, said termination indicating to said player that there is no longer a probability of the bonus award being awarded on said first gaming machine (termination is indicated by a hands down display where there is no longer a probability to win a bonus Col. 6 Lines 34-63). Olsen provides this system and method

in order to add to the excitement of play when machines are linked together for a common award (Col. 1 Lines 56-59).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the displays and indicating as taught by Olsen into the teachings of Loose in order to add to the excitement of play when machines are linked together for a common award.

In Reference to Claims 2, 4-6, 8-10, 17, and 24

Loose as modified by Olsen discloses in Fig. 1 a bank of adjacent gaming machines 10 operable to generate synchronized display indicia in accordance with the present invention [0010]. The bonus feature may be played on the video display 12 or a secondary mechanical or video bonus indicator distinct from the video display 12. If the bonus feature is played on the video display 12, the bonus feature may utilize the display images of the basic game or may replace the basic game images with bonus-specific images. Also, the bonus feature may depict one or more animated events and award bonus amounts based on an outcome of the animated events [0011]. As best shown in Fig. 2, to allow the plurality of lamps 20 on one gaming machine 10 to flash in synchronization with the lamps on adjacent gaming machines, the top box display 16 further includes a left sensor 22, a right sensor 24, a left emitter 26, and right emitter 28. The signals emitted from the respective emitters 26 and 28 are preferably pulses of a predetermined duration so that the sensors 22 and 24 are immune to ambient signals such as light [0014]. Fig. 3 describes an order in which the bonus occurs in a bank of

gaming machines [0020]. Instead of or in addition to using the marquee 18 and the flashing lamps 20 in the top box display 16, the top box display 16 may employ a dot matrix, CRT, LED, LCD, electro-luminescent, or other type of video display known in the art. Also, the display indicia to be synchronized among the bank of gaming machines may include video elements, such a video image of a moving object. The video elements may be presented on a video display used in the top box display 16 or on the main video display 12 [0021].

In Reference to Claims 16 and 25

Loose, as modified by Olsen, discloses (Fig. 1) three gaming machines located proximate to each other and talks about a bank of adjacent gaming machines 10 operable to generate synchronized display indicia in accordance with the present invention [0010].

In Reference to Claims 18 and 19

Loose, as modified by Olsen, discloses a method and gaming machine for generating display in synchronization with an adjacent gaming machine. The display indicia that is shown on the display of the machine may vary depending upon whether it is generated in response to the first signal or in response to the game-related event. The second signal may be detected by yet another adjacent gaming machine which, in turn, generates the display indicia on its display. (See page 1, paragraph 0004) If the bonus mode is selected out of the four different modes, it can be played on the video



display 12. The bonus feature may utilize the display images of the basic game (e.g., slot reels in a slot game) or may replace the basic game images with bonus-specific images. (See page 1, paragraph 0011).

3. Claims 3 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Pub. No. 2003/0130033 A1 to Loose (Loose) in view of U.S. Patent No. 6,217,448 to Olsen (Olsen) further in view of U.S. Patent No. 6,648,757 to Slomiany et al. (Slomiany).

Loose, as modified by Olsen, discloses a system substantially equivalent to applicant's claimed invention wherein Loose teaches of a bank of adjacent gaming machines 10 operable to generate synchronized display indicia in accordance with the present invention and further wherein the bonus feature that is displayed on the video display 12 may utilize the display images of the basic game or may replace the basic game images with bonus-specific images (See page 1, paragraphs 0010 and 0011). However, Loose as modified by Olsen does not teach all the types of bonus awards or of an award based on one or more player characteristics of players of said gaming machines.

Slomiany teaches a bonus game that includes a plurality of selection elements, a number of which are associated with an award of coin(s) or credit(s) and a number of which are associated with an end-bonus penalty and of a bonus game that is a quantity-based in which the player is credited an amount of coin(s) or credit(s) based on the

number of successful trials of the bonus game in order to provide new types of bonus games to satisfy the demands of players and operators (Col. 2 Lines 1-4).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the bonus game as taught by Slomiany into the teachings of Loose as modified by Olsen in order to provide new types of bonus games to satisfy the demands of players and operators.

4. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Pub. No. 2003/0130033 A1 to Loose (Loose) in view of U.S. Patent No. 6,217,448 to Olsen (Olsen) further in view of U.S. Patent No. 5,876,284 to Acres et al. (Acres).

Loose, as modified by Olsen, discloses a system substantially equivalent to applicant's claimed invention wherein Loose teaches a bank of adjacent gaming machines 10 operable to generate synchronized display indicia in accordance with the present invention. (See page 1, paragraph 0010). However, Loose as modified by Olsen does not teach a bank of gaming machines communicating with a central gaming machine management system.

Acres teaches that each gaming device includes a data communication node which allows the gaming device to communicate with a floor controller over a current loop network. Also, networked gaming devices are known in the art. Interconnecting a plurality of gaming devices such as slot machines via a computer network to a central computer provides many advantages. Some advantages of a network for operating

networked gaming devices include the ability to extract accounting data from the individual gaming devices, to track players and to operate bonus promotions and progressive jackpots (Col. 1, Lines 14-23) in order to provide a system that integrates player tracking, data collection, and bonusing over the same network (Col. 2 Lines 16-18).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the network as taught by Acres into the teachings of Loose as modified by Olsen in order to provide a system that integrates player tracking, data collection, and bonusing over the same network.

5. Claims 13-15 and 20 are rejected under 35 U.S.C. as being unpatentable over U.S. Patent Pub. No. 2003/0130033 A1 to Loose (Loose) in view of U.S. Patent No. 6,217,448 to Olsen (Olsen) further in view of U.S. Patent No. 7,008,324 to Johnson et al. (Johnson) and U.S. Patent Pub. No. 2003/0186739 to Paulsen et al. (Paulsen).

Loose, as modified by Olsen, discloses a system substantially equivalent to applicant's claimed invention wherein Loose teaches a bank of adjacent gaming machines 10 operable to generate synchronized display indicia in accordance with the present invention. The bonus feature that is displayed on the video display 12 may utilize the display images of the basic game or may replace the basic game images with bonus-specific images [0010, 0011]. However, Loose as modified by Olsen does not teach of all types of bonus awards.

Johnson teaches where a first bonus has a value less than a second bonus award (Fig. 4B). Further, one skilled in the art would reasonably understand that not all machines are to be actively played especially when the animation is operating in the attract mode (Col. 5 Lines 17-26) to attract players.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the bonus as taught by Johnson into the teachings of Loose as modified by Olsen in order to attract players.

Paulsen teaches a cashless technology in which bonus awards are issued to players wherein the bonus awards themselves are cash, service, merchandise, etc and are issued in the form of a cashless instrument representing the award [0008]; It is known in art that the bonus award depends on the amount of credits in order to provide an award ticket system which allows award ticket vouchers to be dispensed and utilized by other gaming machines, increases the operational efficiency of maintaining a gaming machine and simplifies the player pay out process [0004].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the award system as taught by Paulsen into the teachings of Loose as modified by Olsen and Johnson in order to provide an award ticket system which allows award ticket vouchers to be dispensed and utilized by other gaming machines, increases the operational efficiency of maintaining a gaming machine and simplifies the player pay out process.

6. Claims 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Pub. No. 2003/0130033 A1 to Loose (Loose) in view of U.S. Patent No. 6,217,448 to Olsen (Olsen).

Examiner has taken an official notice that it is known in the slot machine art to include a bonus mode in a slot machine game which has audio synchronization with video images. Therefore, it would have been obvious to one in ordinary skill in the art at the time of the invention to have audio synchronization with video display while in the bonus mode. Reason for that is because, once a person enters a bonus mode, he receives a visual and audio message that he has entered a bonus mode or that he has won an award. Another reason for the audio synchronization is to attract and entertain more new guests and customers.

### ***Response to Arguments***

7. Applicant's arguments filed 10/29/2007 with respect to claims 1, 11, and 21 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Loose in view of Olsen whereby a visual indicator indicates eligibility and termination of an opportunity to win a bonus award.

### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul A. D'Agostino whose telephone number is (571) 270-1992. The examiner can be reached on Monday - Friday, 7:30 a.m. - 5:00 p.m..
10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hotaling can be reached on (571) 272-4437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John M Hotaling II/  
Primary Examiner, Art Unit 3714

/Paul A. D'Agostino/  
Examiner, Art Unit 3714